

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**MARCUS DEON COTY,**

**Defendant.**

**8:15CR194**

## ORDER

This matter is before the court on the motion to continue by defendant Marcus Deon Coty (Coty) (Filing No. 23). Coty seeks a continuance of the trial of this matter which was scheduled for October 13, 2015, and to file pretrial motions out of time. Coty's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Coty's motion to continue trial (Filing No. 23) is granted. The trial of this matter before Chief Judge Laurie Smith Camp and a jury scheduled for October 13, 2015, is canceled and is rescheduled to commence **on December 1, 2015.**

2. Coty is given **until October 19, 2015**, in which to file any pretrial motions in accordance with the progression order.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 24, 2015, and December 1, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 24th day of September, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge